

ENTERED JUL 11 2005

FILED

JUL -7 2005

NOT FOR PUBLICATION

CLERK, US BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re

KENT IVAN DAVIS,

Debtor.

Bankruptcy No. 02-05881-M7

ORDER DENYING DEBTOR'S
MOTION FOR RELIEF FROM
ORDER GRANTING CREDITORS'
REQUEST FOR SANCTIONS

The Court has reviewed the Debtor's Declaration and Motion for Relief from Order Granting Creditors' Request for Sanctions. The Debtor has not presented any basis to grant relief from the order for sanctions under Fed.R.Civ.P. 60, as incorporated by Fed.R.Bankr.P. 9024.

The Debtor argues that the Order Requiring Supplemental Declaration dated March 24, 2005, was not served on his attorney. However, Mr. Arizmendi did not file a substitution of attorney in this case until May 24, 2005, two months after the Order was entered. Furthermore, the Debtor was served with the Order Requiring Supplemental Declaration, and he has provided no explanation for his failure to respond to grant relief for mistake, inadvertence,

1 excusable neglect, newly discovered evidence or fraud. THEREFORE;

2 IT IS ORDERED AND ADJUDGED that:

3 The Debtor's Motion for Relief from Order Granting Creditors'
4 Request for Sanctions is denied.

5 Dated: JUL 7 2005

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7 JAMES W. MEYERS, Judge
United States Bankruptcy Court
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991**

In re Bankruptcy Case No(s). 02-05881-M7
Adversary No(s).

CERTIFICATE OF MAILING

The undersigned, a regularly appointed and qualified clerk in the office of the United States Bankruptcy Court for the Southern District of California, at San Diego, hereby certifies that a true copy of the attached document, to wit:

Order Denying Debtor's Motion for Relief from Order Granting Creditors' Request for Sanctions

was enclosed in a sealed envelope bearing the lawful frank of the bankruptcy judges and mailed to each of the parties at their respective addresses listed below:

Robert B. Amidon
2550 N. Hollywood Way, Ste. 502
Burbank, CA 91505-1055

Ruben F. Arizemendi, Esq.
17 Horton Plaza
San Diego, CA 92101

Kent Ivan Davis
2408 B South Grand, #206
Carthage, MO 64836

Said envelope(s) containing such document was deposited by me in a regular United States Mail Box in the City of San Diego, in said District on July 8, 2005.



Molly Dishman
Judicial Assistant to the Honorable James W. Meyers